

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE, **FILED**
AT CHATTANOOGA

ROBERT EUGENE BARGER and) 2008 APR -3 P 12:22
SANDRA JOYCE BARGER) U.S. DISTRICT COURT
Plaintiffs,) EASTERN DIST. TENN.
vs.) BY _____ DEPT. CLERK
IDS PROPERTY CASUALTY) NO. 1:08-cv-178
INSURANCE COMPANY) JURY DEMAND *Collins/Carter*
Defendant.)

NOTICE OF REMOVAL

Comes now Defendant, IDS Property Casualty Insurance Company, and petitions this Court for removal of an action heretofore filed in the Circuit Court for Hamilton County, Tennessee, and for grounds would show the Court as follows:

I.

The above named Plaintiff has filed a Complaint and Summons in the Circuit Court for Hamilton County, Tennessee, under Civil Action No. 08C365 said action being filed on the 8th day of March, 2008, and being served upon the Defendant on March 19, 2008.

II.

The above lawsuit arises out of a fire loss wherein the plaintiffs seek recovery from the defendant under a policy of insurance issued by defendant to plaintiffs being policy number HX00560205. Plaintiffs are seeking damages in excess of Seventy Five Thousand (\$75,000.00) Dollars. A copy of the Summons and Complaint are attached hereto as **Exhibit "A"**.

III.

This Notice of Removal is filed within the statutory period required by 28 USC §1446. There is a complete diversity between the plaintiffs and defendant and the amount in controversy is exceeds the sum of Seventy Five Thousand (\$75,000.00) Dollars, exclusive of interest and cost.

IV.

Plaintiffs are citizens and residents of Hamilton County, Tennessee. Defendant is a corporation organized and existing under the laws of the State of Wisconsin with its principal place of business in De Pere, Wisconsin. It is not incorporated in Tennessee and does not have its principal place of business in Tennessee. There is complete diversity of citizenship between the parties as required by 28 USC §1332. The amount in controversy exceeds Seventy Five Thousand (\$75,000.00) Dollars exclusive of interest and costs and is, therefore, within the statutory jurisdiction set forth at 28 USC §1332.

V.

WHEREFORE, Defendant, IDS Property Casualty Insurance Company, respectfully requests the Court to accept removal of this cause from the Circuit Court for Hamilton County, Tennessee, and to proceed with this action in accordance with the law.

Respectfully submitted,

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